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REMARKS/ARGUMENTS

The Office Action dated February 5, 2004 was received by the Applicants in the above-referenced subject Application. The Application is a reissue application of U.S. Patent No. 5,631,827 that was issued on May 20, 1997. In July 2002 the claims of this reissue application were found to be patentable over the prior art of record (which included U.S. Patent No. 5,161,109, the Keating patent). The Application was then subjected to a second review because of its classification as a business method.

In this present Office Action, all of the claims (1-89, 99 and 100) of the Application (including claims 1-12 that were allowed in the original patent before filing of the present reissue application) are rejected under 35 U.S.C. § 102(b)¹ as being anticipated by U.S. Patent No. 5,161,109 issued to Keating et al. (hereinafter Keating) on November 3, 1992. Keating has an earliest claimed priority date (its filing date) of December 16, 1988.

In this response to the Office Action, Claims 69 and 70 are canceled, Claim 86 is amended, and new Claims 101, 102, 103, and 104 are added. Subsequent to this Office Action, Claims 1-68, 71-89, and 99-104 are pending.

In The Claims**Claim Objections:**

The Office Action provides:

1. A proper dependent claim shall not conceivably be infringed by anything which would also infringe the base claim. See MPEP 608.01 (n), Section III. However, the pending claims 69 and 70 recite "a computer storage medium storing computer-executable instructions for performing the method of claim 55" and "a computer-controlled apparatus configured to perform the method of claim 55". Applying the infringement test, what is needed to infringe claims 69 and 70 is, for example, a CD-ROM having computer executable code that if and when executed would cause a computer to do the determining, providing, and communicating steps. However, such a CD-ROM would not infringe the method steps of claim 55 since the CD-ROM itself never performs any of the active steps of determining, providing, and communicating required by the method. In other words, mere possession of

¹ It appears the rejection for the claims should have been asserted under 35 U.S.C. § 102(e) because the Application has an earliest claimed priority date of September 28, 1993, which is less than one year after the issue date of Keating.

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such a CD-ROM would infringe claims 69 and 70, but this is not enough to infringe claim 55. As a result, claims 69 and 70 are improper dependent claims.

The Applicants appreciate the Examiner's remarks regarding Claims 69 and 70. Subsequent to the Examiner's comments, Claims 69 and 70 have been canceled and are re-written in independent form as (new) Claims 101 and 102, respectively.

Claim Rejections (35 USC § 102):

Keating discloses a communication system for processing information for distribution comprised of one carrier, the United States Postal Service (hereinafter USPS), "appropriately coupled" to a data center (also referred to as the central station), which is connected "by means of an interconnection network" to one or more user stations. Each user station is comprised of a CPU, a memory, input/output devices, and various peripherals. The data center is comprised of a first data channel communicating with the USPS over a two-way communications link and a second data channel communicating with the user stations over two-way telecommunications data links. Each data channel includes a CPU, a display, a memory and a local interface device such as a keyboard. (Keating: Col. 5, line 60 – Col. 6, line 55.)

USPS rules, rates and regulations are downloaded from the USPS to the data center, and from the data center to the user station, or are accessed at the data center by the user station through the communications channel. Mail processed at the user station must be certified as complying with USPS rules and regulations in order to receive discounted rates from the USPS. The data center is operated by a commercial entity such as Pitney-Bowes. User station memory may store updating instructions, rates used in the local user units, diagnostic monitoring, a link establishing a tracking facility associated with USPS certification, and interface capabilities to allow downloading of training information needed to comply with the USPS certification process from the data center. User station data may be uploaded to the data center to have addresses sanitized, for the processing of the user's mail, or for the analysis of rate discounts. Accounting information and postage recharging to the local user station is effected through the data link from the data center. Information from the data center is transmitted back to the user station. Calculation of the postage to be applied to a specific mail run occurs in the user station.

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(Keating: Col. 7, lines 18 – 37; Col. 8, line 43 – Col. 10, line 7; Col. 10, line 58 – Col. 13, line 7.)

The central data center CPU 46, such as an IBM 3083 unit, is coupled to data links 42 (communication lines which lead to the user stations 10) by a multi-channel I/O device 54 capable of high speed data communication. The CPU 46 of the central data center handles multiple requests from any one or more of the users simultaneously through the multiple channel I/O device 54. The USPS may interrogate and monitor the operation of the first and second data channels for compliance with required quality control and security. (Keating: Col. 6, line 56 – Col. 7, line 17.)

Applicants respectfully submit that the rejection of all the claims of the present Application based on being anticipated by the Keating reference is not proper because Keating fails to disclose one or more elements of each claim of the Application. For example, Keating teaches downloading carrier data from the USPS to the central data center and then transferring such information from the central data center to the user stations. In contrast, the claimed invention requires client/server architecture configured to isolate carrier data in a rate server from shipper data in a client application.

Applicants further provide additional arguments, pertaining to particular claims, for the allowance of the claims of the Application, cancel Claims 69 and 70, and provide an amendment to Claim 86 to further distinguish those claims of the Application from Keating. Applicants also add new Claims 101, 102, 103 and 104 to the Application. Subsequent to this paper, Claims 1-68, 71-89, and 99-104 are pending in the Application, Applicants respectfully submit that all claims of the Application, original, currently amended and new, are now in a form for allowance and are not anticipated by Keating.

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Independent Claims

Claims 1 and 13: In regard to Claims 1 and 13, the Office Action provides the following:

Claims 1 and 13: Keating discloses a logistics management tool to facilitate the process of shipping goods by a shipper (user) via a selected one of a plurality of carriers ("...terminals 10-14...", Col. 5, lines 60 and 61; the terminals hooked up to data center 18 that stores rules and rate information for the carrier), comprising:

a plurality of rate servers comprising computer implemented rate storage and calculating means, at least one rate server for each of said plurality of servers, at least one of said rate servers having message processing means for sending, receiving and handling messages ("...capability of uploading and downloading...", "...rates, as well as other...", "...certain discounts...", Col. 6, lines 7-26; and "...updating instructions and rates used...", col. 7, lines 23-65);

at least one of said rate servers having database means for maintaining a record of the rates applicable to a given one of said carriers and further having an embedded set of predefined methods representing the rate computation rules of said given one of said carriers ("...storage areas of accessed memory...", Col. 6, lines 7-26; and "...memory 48...", col. 7, lines 3 and 4);

at least one client application comprising computer implemented input and output means separate from said rate servers and having user interface to permit the shipper to interact with said logistics management tool in order to process the shipment of goods ("...two way communication...", "...continuous interchange...", Col. 6, lines 44-49; and "...two way communication...", Col. 6, lines line 64-col. 7, line 11);

at least one of said rate servers having a shipper interface means for defining a set of operations accessible to said client application; the set of operations representing the procedure by which the shipper ships goods to thereby isolate the set of operations by which a shipper ships from the rules by which a carrier transports ("...rules and regulations...", Col. 6, lines 7-26; and "...rules and regulations...", Col. 6, lines 44-49);

at least one supervisory server for integrating operations of said rate server, and for making said operations accessible to said client application, said supervisory server having message processing means for sending messages to and receiving messages from said rate server and said client application and for handling messages sent and received based upon a predefined set of rules ("...control of the program...", col. 6, line 63-col. 7, line 11, and "...diagnostic monitoring a two-way communication link establishing a tracking facility...", col. 7, lines 20-44).

Claim 1 recites "a plurality of rate servers comprising computer-implemented rate storage and calculating means, at least one rate server for each of said plurality of carriers." Keating discloses rate information for only one carrier, the United States Postal Service (USPS), and thus fails to disclose a plurality of rate servers. Therefore, Keating does not anticipate Claim 1.

In regard to both Claims 1 and 13, the Keating reference fails to disclose the claimed combination of a rate server, a client application and a supervisory server that have the characteristics required by Claims 1 and 13. First, as noted above, Keating does not have

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client/server architecture that isolates carrier data from user data. Also, Keating fails to disclose the rate server, client application and supervisory server, wherein the supervisory server integrates the "operations of said rate server, and [makes] said operations accessible to said client application, said supervisory server having message processing means for sending messages to and receiving messages from said rate server and said client application and for handling messages sent and received based upon a predefined set of rules."

Applicants respectfully submit that the Keating reference fails to anticipate Claims 1 and 13 of the present invention, and that the claims are in a form that is proper for patentability.

Claim 27: In regard to Claim 27, the Office Action provides the following:

Claim 27: Keating discloses a logistics management tool to facilitate the process of shipping goods by a shipper via a carrier, comprising:

a rate server, connected to a network, having a set of rules by which a carrier transports (Col. 6, lines 3-19);

a client application, connected to the network, having a set of rules by which a shipper ships (Col. 5, lines 60-col. 6, line 3); and

a supervisory server, connected to the network, through which said rate server and said client application register to establish a mutual message communication capability by which said rate server and said client application thereafter pass messages independently of said supervisory server over an interface between them, said interface isolating the set of rules by which the shipper ships from the rules by which the carrier transports (Col. 6, line 63-col. 7, line 65).

In regard to Claim 27, Keating fails to disclose the claimed combination of a rate server, a client application and a supervisory server that have the characteristics required by Claim 27. First, as noted above, Keating does not have client/server architecture that isolates carrier data from user data. Also, Keating fails to disclose a logistics management tool having a rate server, client application and supervisory server, wherein the tool includes a "supervisory server, connected to the network, through which said rate server and said client application register to establish a mutual message communication capability by which said rate server and said client application thereafter pass messages independently of said supervisory server." The Keating reference does not disclose a supervisory server that controls a registration process that allows independent communication between objects (i.e., rate server and client application) over a network. Therefore, Applicants submit that Claim 27 is not anticipated by the Keating reference.

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Claim 42: In regard to Claim 42, the Office Action provides the following:

Claim 42: Keating discloses a logistics management tool to facilitate the process of shipping goods by a shipper via a carrier, comprising:

a rate server having a record of the rates applicable to said carrier and further having an embedded set of predefined methods representing the rate computation rules of said carrier, said rate server being connected to a network for sending, receiving and handling messages (Col. 7, lines 18-33);

at least one client application connected to said network and is separately located from said rate server on said network, said client application having a user interface to permit the shipper to interact with said logistics management tool in order to process the shipment of goods (Col. 5, line 60-col. 6, line 7);

said rate server having a shipper interface for defining a set of operations accessible to said client application, the set of operations representing the procedure by which the shipper ships goods to thereby isolate the set of operations by which a shipper ships from the rules by which said carrier transports (Col. 6, lines 7-30); and

at least one supervisory server for making said operations of said rate server accessible to said client application, said supervisory server being connected to said network for sending messages to and receiving messages from said rate server and said client application and for handling messages sent and received based upon a predefined set of rules (Col. 6, line 63-col. 7, line 17).

In regard to Claim 42, the Keating reference fails to disclose the claimed combination of a rate server, a client application and a supervisory server that have the characteristics required by Claims 42. First, as noted above, Keating does not have client/server architecture that isolates carrier data from user data. Also, Keating fails to disclose the rate server, client application and supervisory server, wherein the supervisory server "mak[es] said operations of said rate server accessible to said client application." Therefore, Keating fails to teach a rate server and a client application having the claimed relationship.

Applicants respectfully submit that the Keating reference fails to anticipate Claim 42 of the present invention, and that the claim is in a form that is proper for patentability.

Claim 55: In regard to Claim 55, the Office Action provides the following:

Claim 55: Keating discloses a logistic management method for facilitating the process of shipping goods by a shipper via a carrier, said shipper having a computer-implemented client application that has access to a network and which is related to shipping said goods, said client application having a set of rules by which the shipper ships, said method comprising the steps of:

providing a rate server having a set of rules by which the carrier transports in order to determine data related to shipping the goods (Col. 6, lines 7-30);

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providing access to said rate server on said network from the client application such that said rate server is separately located from said client application on said network (col. 6, line 63-col. 7, line 17), and

communicating the determined data from said rate server to said client application through an interprocess communication mechanism connected to said network and thereby isolating the set of rules by which the shipper ships from the rules by which the carrier (Col. 8, lines 43-59).

First, as noted above, Keating does not have client/server architecture that isolates carrier data from user data. Also, Keating fails to disclose providing access to a rate server on a network from a client application. Applicants respectfully submit that this Claim 55 is not anticipated by Keating and is in a form for allowance.

Claim 71: In regard to Claim 71, the Office Action provides the following:

Claim 71: Keating discloses a logistics management tool to facilitate the process of shipping goods by a shipper via a carrier, comprising:

a rate server, connected to a network, having a set of rules by which a carrier transports (Col. 6, lines 7-30);

a client application, connected to the network, having a set of rules by which a shipper ships (Col. 5, line 60-col. 6, line 7);

a supervisory server, connected to the network, with which said rate server and said client application register to facilitate communication of messages between said rate server and said client application independently of said supervisory server (Col. 6, line 63-col. 7, line 65); and

an interface associated with at least one of said rate server and said client application which isolates the set of rules by which the shipper ships from the set of rules by which the carrier transports (Col. 6, lines 31-62).

In regard to Claim 71, Keating fails to disclose the claimed combination of a rate server, a client application and a supervisory server that have the characteristics required by Claim 71. First, as noted above, Keating does not have client/server architecture that isolates carrier data from user data. Also, Keating fails to disclose the rate server, client application and supervisory server, wherein the tool includes a "supervisory server, connected to the network, with which said rate server and said client application register to facilitate communication of messages between said rate server and said client application independently of said supervisory server." Therefore, Applicants submit that Claim 71 is not anticipated by the Keating reference.

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Claim 86: In regard to Claim 86, the Office Action provides the following:

Claim 86: Keating discloses a delivery management tool, comprising:
at least one rate server having rate information based upon a set of rules by which a carrier delivers (Col. 6, lines 7-30);
at least one client configured to collect input information from a user (Col. 6, line 31-62);
at least one supervisory server including at least one computer configured to provide registration services to facilitate communication between the rate server and the client via a client/server architecture utilizing an inter-process communication mechanism, said communication being independent of said supervisory server (Col. 6, lines 63-col. 7, line 65); and
whereby the rules by which the user operates are isolated from the set of miles by which the carrier delivers (Col. 6, lines 7-30).

In regard to Claim 86, Keating fails to disclose the claimed combination of a rate server, a client and a supervisory server that have the characteristics required by Claim 86. First, as noted above, Keating does not have client/server architecture that isolates carrier data from user data. Also, Keating fails to disclose the rate server, client application and supervisory server, wherein the "at least one supervisory server includ[es] at least one computer configured to provide registration services to facilitate communication between the rate server and the client via a client/server architecture utilizing an inter-process communication mechanism, said communication being independent of said supervisory server." Applicants submit that Claim 86 is not anticipated by the Keating reference.

However, Applicants desire to make the following typographical correction to Claim 86:

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86. (Twice Amended) A delivery management tool, comprising:

at least one rate server having rate information based upon a set of rules by which a carrier delivers;

at least one client configured to collect input information from a user;

at least one supervisory server including at least one computer configured to provide registration services to facilitate communication between the rate server and the client via a client/server architecture utilizing an [inter-process] interprocess communication mechanism, said communication being independent of said supervisory server; and

whereby the rules by which the user operates are isolated from the set of rules by which the carrier delivers.

This amendment is made to correct a typographical error. Support for this amendment to Claim 86 can be found but not limited to the specification where an "interprocess communication mechanism" or an "interprocess communication means" is referenced.

Claim 99: In regard to Claim 99, the Office Action provides the following:

Claim 99: Keating discloses a logistic management tool to facilitate the delivery of goods comprising:

a network architecture for passing messages (Col. 5, line 60-col. 6, line 7);

a supervisory server having a registrar enabling communication with said network architecture (col. 6, line 63-col. 7, line 65);

at least one client application having a set of shipper rules and a first data processing service including a first registration service to register said client application with said registrar for establishing a line of communication between said client application and said network architecture (Col. 6, lines 7-30),

a first interface service to collect input data, generate a request message based on said input data and said set of shipper rules and display a response message (Col. 6, lines 31-62), and

a first message handling service to communicate said request message and said response message between said client application and said network architecture (Col. 6, lines 44-62); and

at least one rate server having a set of carrier rules and a second data processing service including a second registration service to register said rate server with said registrar for establishing a line of communication between said rate server and said network architecture (Col. 6, lines 7-30),

a second interface service to generate said response message based on said set of carrier rules and said request message, and a second message handling service to communicate said request message and said response message between said rate server and said network architecture (Col. 6, lines 44-62);

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wherein said first and second message handling services enable communication between said at least one client application and said at least one rate server via said network architecture and isolate said set of carrier rules from said set of shipper rules (Col. 6, lines 7-col. 7, line 65, and col. 8, line 5-col. 9, line 66).

The Office Action cites Col. 6, line 63 – Col. 7, line 65 of Keating for “a supervisory server having a registrar enabling communication with said network architecture.” The cited portion of Keating describes the communication of the data center with the user stations, and the components and interrelationship of the user station components. First, as noted above, Keating does not have client/server architecture that isolates carrier data from user data. Also, Keating fails to disclose a supervisory server having a registrar in a system having client /server architecture. Nor does Keating disclose a client application having a first registration service to register the client application with the registrar and a rate server having a second registration service to register the rate server with the registrar, as are claimed in this Claim 99. Applicants therefore submit that Claim 99 is not anticipated by the Keating reference.

Dependent Claims:

Dependent claims 2-12, 14-26, 28-41, 43-54, 56-70, 72-85, 87-89, and 100 are rejected in the Office Action as being anticipated by Keating. Applicants have also added new dependent claims 103 and 104. Considered individually, each dependent claim adds significant subject matter to form a combination with the elements or steps of the claims from which it depends. Applicants respectfully submit that the combinations claimed in dependent claims 2-12, 14-26, 28-41, 43-54, 56-70, 72-85, 87-89, 100, 103 and 104 are not anticipated by Keating.

Support for New Claims:


Applicants request to add new Claims 101, 102, 103 and 104 to the Application. Claims 101 and 102 are dependent Claims 69 and 70 (now canceled) re-written in independent form. Support for Claims 101 and 102 may be found but not limited to Col. 4, lines 11-27 of the specification. Support for dependent Claims 102 and 103 may be found but not limited to Col. 10, lines 38-41 of the specification.

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Conclusion

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,


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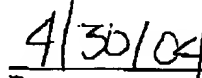
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